

**UINTAH AND OURAY
TRIBAL BUSINESS COMMITTEE**

Resolution No. _____

- WHEREAS:** The Tribal Business Committee (“Business Committee”) of the Ute Indian Tribe of the Uintah and Ouray Reservation (“Tribe”) is empowered by Article VI, Sections 1(c) and 1(f) of the Constitution and By-Laws of the Tribe to regulate the economic affairs of the Tribe;
- WHEREAS:** The Tribe seeks to protect the health of its citizens while balancing the need for economic development;
- WHEREAS:** The United States Environmental Protection Agency (“EPA”) has promulgated New Source Emission Standards (OOOOa) for the oil and gas sector that became effective in August 2016. EPA also has finalized Control Technique Guidelines for existing oil and gas sources in nonattainment areas. EPA plans to issue an Information Collection Request in the next few weeks to develop a basis for promulgating emission standards for existing oil and gas sources. And BLM may soon publish Venting and Flaring regulations for existing sources on federal lands. A complex regulatory regime already exists to address ozone pollution and there is a risk of regulatory confusion if EPA adds another layer of regulations on Ute lands without consultation with the Ute Tribe;
- WHEREAS:** The Tribe has expressed the need for a reservation-specific federal implementation plan (“FIP”) that adequately addresses the needs of the Tribe in Resolution No. 16-075;
- WHEREAS:** The Tribe has called upon the EPA in Resolution No. 16-075 to develop an Uintah and Ouray FIP that includes an expedited permitting process that is consistent with and no more burdensome than the requirements applicable to surrounding jurisdictions to ensure a level playing field and that incorporates the principles set forth in Attachment A to Resolution No. 16-075;
- WHEREAS:** EPA’s National FIP does not provide for streamlined permitting of new oil and gas development in the Uintah Basin, even though the Tribe specifically requested that EPA do so;
- WHEREAS:** EPA has spent the last year developing a draft FIP for existing sources. That draft FIP would set emission standards more stringent than those in surrounding states such as Colorado and Wyoming, and would force many operators to shut-in many oil and gas development projects;
- WHEREAS:** In the event of nonattainment, Uinta Basin oil and gas operators will not be able to obtain a streamlined permit to develop minerals. Operators will be forced to obtain a case by case permit, which could take up to 2 years and result in a halt to development in the Uinta Basin;

WHEREAS: The draft FIP did not rely upon the best available scientific information in developing the FIP. In particular, EPA did not use the 2014 emissions inventory in performing photochemical modeling, but instead used outdated information from 2008;

WHEREAS: EPA did not use a transparent stakeholder consultation process for developing the draft FIP; and

WHEREAS: The Tribe relies on oil and gas development as the primary source of funding for its essential governmental services.

NOW, THEREFORE, BE IT RESOLVED BY THE TRIBAL BUSINESS COMMITTEE OF THE UTE INDIAN TRIBE OF THE UINTAH AND OURAY RESERVATION that the Business Committee calls upon EPA to develop a streamlined permitting process for inclusion in the Uintah and Ouray FIP.

BE IT FURTHER RESOLVED: The Business Committee calls upon EPA to implement substantive changes to the Uintah and Ouray FIP to ensure a level playing field between tribal land and the surrounding areas that include requirements that are no more burdensome or stringent than the requirements of surrounding areas.

BE IT FURTHER RESOLVED: The EPA must not give deference or information to the State of Utah in its development of the tribal FIP and calls on the EPA to end discussions of the tribal FIP with the State.

BE IT FURTHER RESOLVED: The Tribe calls upon EPA to issue a stakeholder working group, of tribal, federal, and industry representatives to review and comment on the draft FIP prior to its release and publication.

BE IT FURTHER RESOLVED: The Tribe again calls on the EPA to act upon the principles laid out in this Resolution and Resolution No. 16-075 in the development of the FIP and if the EPA does not incorporate these principles into the FIP through a transparent process and consultation with the EPA, the Tribe will pursue all available means to challenge the FIP.

BE IT FINALLY RESOLVED: that the Business Committee hereby authorizes and approves its Chairman or, in his absence, the Vice-Chairman, to execute any and all documents as may be necessary and appropriate to carry out the terms, conditions and intent of this Resolution.

absent

Shaun Chapoose, Chairman




Edred Secakuku, Vice-Chairman



Ronald Wopsock, Member

absent

Cummings Justin Vanderhoop, Member



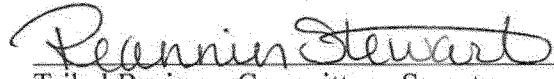
Bruce Ignacio, Member



Tony Small, Member

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING Resolution was adopted by the Tribal Business Committee of the Ute Indian Tribe of the Uintah and Ouray Reservation pursuant to the Constitution and By-Laws of the Ute Indian Tribe of the Uintah and Ouray Reservation at a duly called meeting in Ft. Duchesne, Utah, on the 9 day of November, 2016, at which time a quorum was present and votes 4 for, 0 against, 0 abstaining and 2 absent.


Tribal Business Committee - Secretary
Ute Indian Tribe, Uintah & Ouray Reservation